

**REMARKS**

Claims 18-33 and 36-40 are pending in the application. Claims 18-20, 26, 27, 31, 33, 37, 38 and 40 have been amended. Claims 1-17 and 34-35 were previously cancelled without prejudice or disclaimer. No new matter has been added.

**Double Patenting**

The Office has rejected claims 18, 31, and 38 at paragraph 3 of the Office Action under the judicially created doctrine of obviousness-type double patenting. Applicants object to the Office's obviousness-type double patenting rejections of these claims as being premature. In particular, Applicants note that the Office has not indicated that all claims would be allowable if Applicants submit a Terminal Disclaimer to overcome the double-patenting rejections. However, in the interest of advancing prosecution of the present application, Applicants state that they will execute and file a Terminal Disclaimer, if upon reviewing the present (and any possible future) amendments, the Office determines that a Terminal Disclaimer is necessary, and the Office indicates that these claims would be allowable if such a Terminal Disclaimer is filed, overcoming the obviousness-type double patenting rejections. Applicants thus do not prematurely surrender their rights, before knowing the scope of the claims to be allowed.

**Claims 18-33 and 36-40 are Allowable**

The Office has rejected claims 18-33 and 36-40 at paragraph 4 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 7,024,205 ("Hose") in view of U.S. Patent Application Publication No. 2006/0229778 ("Obradovich"). Applicants respectfully traverse the rejections.

The cited portions of Hose and Obradovich, separately or in combination, do not disclose or suggest the specific combination of claim 18. For example, the cited portions of Hose and Obradovich fail to disclose or suggest a graphical user interface to receive user inputs to define a geographical user zone, the geographical user zone comprising a desired area of operation to receive wireless service, as in claim 18. Also, the cited portions of Hose and Obradovich fail to disclose or suggest that a mobile terminal is adapted to transmit vector information defining the geographical user zone to a network controller within a wireless communication system, as in claim 18.

In contrast to claim 18, Hose discloses a wireless network that enables a subscriber with a mobile device to request a desired service, such as a hotel or restaurant. A central system sends information concerning the identity and location of the desired service. Hose, col. 7, l. 5-col. 8, l. 15. Hose discloses that the system identifies a service area and identifies services within the service area that satisfy the subscriber's request. The cited portions of Hose do not disclose or suggest that the subscriber can define a geographical area in which he desires to receive wireless service. Hence, the cited portions of Hose do not disclose or suggest a graphical user interface to receive user inputs to define a geographical user zone, the geographical user zone comprising a desired area of operation to receive wireless service, as in claim 18. Also, the cited portions of Hose fail to disclose or suggest that a mobile terminal is adapted to transmit vector information defining the geographical user zone to a network controller within a wireless communication system, as in claim 18.

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In further contrast to claim 18, Obradovich discloses a communication system between vehicles and remote stations or servers using C-mail (car mail). *See* Obradovich, Abstract, paragraphs 9 and 26. C-mail is like conventional email, formatted in accordance with well known protocols and delivered by conventional mail servers when the system connects to a communication network like the Internet. *See* Obradovich, paragraphs 9, 26, and 56. The cited portions of Obradovich do not disclose or suggest a system that provides a mechanism for receiving user input to define a geographical area of wireless service. Thus, the cited portions of Obradovich do not disclose or suggest a graphical user interface to receive user inputs to define a geographical user zone, the geographical user zone comprising a desired area of operation to receive wireless service, as in claim 18. Also, the cited portions of Obradovich fail to disclose or suggest that a mobile terminal is adapted to transmit vector information defining the geographical user zone to a network controller within a wireless communication system, as in claim 18.

Therefore, the cited portions of Hose and Obradovich, individually or in combination, fail to disclose or suggest the specific combination of claim 18. Hence, claim 18 is allowable. Claims 19-30 are allowable, at least by virtue of their dependence from claim 18. Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of the above-cited references.

For example, the cited portions of Hose and Obradovich fail to disclose or suggest that the geographical user zone includes a desired area of operation of the mobile terminal for a temporary duration, as in claim 19. The Office cites column 7, lines 15-67 of Hose as disclosing that a user requests services with a menu or services that are at a particular location. *See* Office Action, paragraph 2. However, the cited portions of Hose do not disclose that the user requests wireless services that are temporary. In addition, the cited portions of Obradovich do not disclose or suggest that the geographical user zone includes a desired area of operation of the mobile terminal for a temporary duration. For this additional reason, claim 19 is allowable.

The cited portions of Hose and Obradovich, separately or in combination, do not disclose or suggest the specific combination of claim 31. For example, the cited portions of Hose and Obradovich fail to disclose or suggest defining a desired geographical user zone to receive wireless service surrounding a location based on user input, as in claim 31.

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In contrast to claim 31, Hose discloses a wireless network that enables a subscriber with a mobile device to request a desired service, such as a hotel or restaurant. A central system sends information concerning the identity and location of the desired service. Hose, col. 7, l. 5-col. 8, l. 15. Hose discloses that the system identifies a service area and identifies services within the service area that satisfy the subscriber's request. The cited portions of Hose do not disclose or suggest that the subscriber can define a geographical user zone in which he desires to receive wireless service. Hence, the cited portions of Hose do not disclose or suggest defining a desired geographical user zone to receive wireless service surrounding a location based on user input, as in claim 31.

In further contrast to claim 31, Obradovich discloses a communication system between vehicles and remote stations or servers using C-mail (car mail). *See* Obradovich, Abstract, paragraphs 9 and 26. C-mail is like conventional email, formatted in accordance with well known protocols and delivered by conventional mail servers when the system connects to a communication network like the Internet. *See* Obradovich, paragraphs 9, 26, and 56. The cited portions of Obradovich do not disclose or suggest a system that provides a mechanism for receiving user input to define a geographical user zone of wireless service. Thus, the cited portions of Obradovich do not disclose or suggest defining a desired geographical user zone to receive wireless service surrounding a location based on user input, as in claim 31.

Therefore, the cited portions of Hose and Obradovich, individually or in combination, fail to disclose the specific combination of claim 31. Hence, claim 31 is allowable. Claims 32-33 and 36-37 are allowable, at least by virtue of their dependence from claim 31.

The cited portions of Hose and Obradovich, separately or in combination, do not disclose or suggest the specific combination of claim 38. For example, the cited portions of Hose and Obradovich fail to disclose or suggest a graphical user interface to display location information and to receive user inputs to select a desired geographical user zone of wireless communication service, as in claim 38. As another example, the cited portions of Hose and Obradovich fail to disclose or suggest receiving one or more responses from one or more wireless service providers concerning an ability to provide wireless communication service within the desired geographical user zone of wireless communication service, as in claim 38.

In contrast to claim 38, Hose discloses a wireless network that enables a subscriber with a mobile device to request a desired service, such as a hotel or restaurant. A central system sends information concerning the identity and location of the desired service. Hose, col. 7, l. 5-col. 8, l. 15. Hose discloses that the system identifies a service area and identifies services within the service area that satisfy the subscriber's request. The cited portions of Hose do not disclose or suggest that the subscriber can select a desired geographical user zone of wireless communication service. Hence, the cited portions of Hose do not disclose or suggest a graphical user interface to display location information and to receive user inputs to select a desired geographical user zone of wireless communication service, as in claim 38. Further, the cited portions of Hose fail to disclose or suggest receiving one or more responses from one or more wireless service providers concerning an ability to provide wireless communication service within the desired geographical user zone of wireless communication service, as in claim 38.

In further contrast to claim 38, Obradovich discloses a communication system between vehicles and remote stations or servers using C-mail (car mail). *See* Obradovich, Abstract, paragraphs 9 and 26. C-mail is like conventional email, formatted in accordance with well known protocols and delivered by conventional mail servers when the system connects to a communication network like the Internet. *See* Obradovich, paragraphs 9, 26, and 56. The cited portions of Obradovich do not disclose or suggest a system that receives user input to select a desired geographical user zone of wireless communication service. Thus, the cited portions of



Obradovich do not disclose or suggest a graphical user interface to display location information and to receive user inputs to select a desired geographical user zone of wireless communication service, as in claim 38. Further, the cited portions of Obradovich fail to disclose or suggest receiving one or more responses from one or more wireless service providers concerning an ability to provide wireless communication service within the desired geographical user zone of wireless communication service, as in claim 38.

Therefore, the cited portions of Hose and Obradovich, individually or in combination, fail to disclose the specific combination of claim 38. Hence, claim 38 is allowable. Claims 39-40 are allowable, at least by virtue of their dependence from claim 38.

### **CONCLUSION**

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the cited references as applied in the Office Action.

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Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.


Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

3-13-2009  
Date

  
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Jeffrey G. Toler, Reg. No. 38,342  
Attorney for Applicants  
Toler Law Group, Intellectual Properties  
8500 Bluffstone Cove, Suite A201  
Austin, Texas 78759  
(512) 327-5515 (phone)  
(512) 327-5575 (fax)